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Remarks

In the Office Action mailed December 1, 2003, the Examiner issued an election/restriction requirement under 35 U.S.C. § 121 requiring restriction to one of the following inventions:

- I. Claims 1-20, 27-42, and 82-88, drawn to a method of pressing foods, classified in class 426, subclass 512.
- II. Claims 21-26, 43-50, and 89-91, drawn to a food product, classified in class 426, subclass 92.
- III. Claims 51-56, drawn to an apparatus, classified in class 100, subclass 151.
- IV. Claims 57-61, drawn to an apparatus, classified in class 100, subclass 179.
- V. Claims 62-65, drawn to an apparatus, classified in class 100, subclass 73.
- VI. Claims 66-72, drawn to an apparatus, classified in class 100, subclass 145.
- VII. Claims 73-81, drawn to an apparatus, classified in class 100, subclass 98R.

Pursuant to this restriction requirement, Applicants elect the invention of Group I (i.e., claims 1-20, 27-42, and 82-88). In accordance with this election, the claims of Groups III-VII (claims 51-81) have been canceled. However, Applicants respectfully traverse, for the following reasons, the Examiner's requirement of restriction between the claims of elected Group I and the claims of Group II (claims 21-26, 43-50, and 89-91).

The claims of Group II call for food products produced in accordance with the specific method set forth in the claims of Group I. In imposing a restriction requirement between the method claims of Group I and the resulting product claims of Group II, the Examiner states that: "In the

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instant case, the product of Group II as claimed can be made by another and materially different process, for instance by application of pressurized air."

Applicants respectfully submit, however, that the product called for in Group II is unique to the method of Group I. As discussed and explained throughout the application, the unique results of the inventive process and characteristics of the resulting product include or are shown by the following:

- a. The inventive method can provide products with liquid infusion/uptake levels of up to 50% or more by weight based upon the original weight of the product. Compared to other processes, the inventive method also significantly improves the degree of water binding within the product so that the yield of the product is increased by from about 10% to about 20% by weight over current products. (Page 10)
- b. Compared to the inventive method and product, conventional tumblers or other massagers do not begin to provide a comparable degree of structural breakdown of the product and result only in extraneous and surface infusion of marinade. (Pages 3 and 19) In addition, in these conventional processes, the tougher product pieces can receive essentially no benefit at all. (Page 3) On the other hand, other pieces treated in these processes can be so adversely affected by product collisions that internal protein and/or fat undesirably flow to the surface of the product and marinade is caused to flow out of, rather than into, the product. (Page 4)

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- c. To obtain a comparable amount of external force and effect on the product in a tumbler would require that the product be exposed to repeated pressures which would definitely disfigure the overall appearance of muscle. (*Id.*)
- d. The soft, pliable coverings employed in the inventive method allow much greater beneficial pressure to be applied to the product without damaging the protein fibers. (Pages 19-20)
- e. As opposed to hammers and/or other hard pressing devices heretofore used in the art, the inventive method does not apply pressure to the product in such an abrupt, instantaneous manner. Rather, the soft pliable coverings used in producing the inventive product cause the pressing force to be evenly distributed around the product in a unique manner which prevents damage to the protein fibers, bones, skin, and overall structure of the product. (Page 20)
- f. In further contrast to other procedures, the inventive method also prevents fat and other desirable components from being forced out of the product. (Page 10)

Applicants also respectfully note that such results clearly would not be obtained by placing the food products in a pressurized air chamber. Nor are Applicants aware of any process wherein pressurized air has been or can be applied to food products in a manner effective for achieving results comparable to those of the inventive process.

In view of the above, Applicants request that the Examiner's requirement of restriction between the claims of Group II and the claims of elected Group I be withdrawn.

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Applicants also respectfully submit that the above-listed new claims 92-103 are classified in the same class and subclass as the original claims of elected Group I and Applicants therefore request that new claims 92-103 be entered and added to elected Group I for prosecution in this application.

Respectfully submitted,

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